

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CARBONITE, INC.,

Plaintiff,

v.

DEEPAK MOHAN,

Defendant.

Civil Action No. 18-12331-MLW

STIPULATION REGARDING EXPEDITED DISCOVERY

Plaintiff Carbonite, Inc. (“Carbonite”) and Defendant Deepak Mohan (“Mohan”) hereby stipulate and agree to conduct expedited discovery in this matter on the following terms (the “Expedited Discovery”):

1. Initiation of Expedited Discovery: The parties agree not to begin conducting the Expedited Discovery while they explore the possibility of a negotiated resolution of this matter. If either party determines in good faith that settlement negotiations have reached an impasse and that a negotiated settlement cannot be reached at such time, then such party may, through counsel via e-mail, give the other party written notification that the Expedited Discovery contemplated herein shall commence on the next business day following the date of such notice (the “Expedited Discovery Start Date”).

2. Production of Documents: Within seven (7) business days following the Expedited Discovery Start Date, the parties shall make the following productions of documents:

a. Mohan shall provide written responses and non-privileged documents in his possession, custody, or control that are responsive to the following requests:

- i. All documents concerning your current, anticipated, and potential role, duties and responsibilities at Veritas.
- ii. All documents concerning Veritas' recruitment of you and/or the possibility of you becoming employed by Veritas.
- iii. All documents concerning your employment agreements with Veritas.
- iv. All documents concerning or containing Carbonite's trade secret or confidential information (as defined in the Confidentiality, Invention Assignment and Non-Competition Agreement executed by Mohan and Carbonite).
- v. All documents concerning any use or disclosure by you of Carbonite's trade secret or confidential information (as defined in the Confidentiality, Invention Assignment and Non-Competition Agreement executed by Mohan and Carbonite), other than in the ordinary course of performing his duties for Carbonite.

b. Carbonite shall provide written responses and non-privileged documents in its possession, custody, or control that are responsive to the following requests:

- i. All documents that Peter Kohler relied upon in support of his declaration dated November 28, 2018.
- ii. All documents that Lawrence N. Friedman relied upon in support of his declaration dated November 29, 2018.

iii. All documents that Carbonite creates or discovers concerning Carbonite's allegations that Mohan improperly accessed, used, or took Carbonite files or data.

iv. All documents, including written communications, relating to Mohan's future or current employment with Veritas.

3. Depositions: The parties agree that the following depositions shall be taken as part of the Expedited Discovery: Deepak Mohan (by Carbonite), Peter Kohler (by Mohan), and Lawrence N. Friedman (by Mohan). Each deposition shall be limited to three (3) hours of questioning and testimony by the party taking the deposition. This deposition time shall not be counted against either party's seven hours of deposition time available under Fed. R. Civ. P. 30(d)(1). Unless the parties agree to a different location, the depositions shall take place in Boston, Massachusetts. The parties shall work together in good faith to schedule the depositions at dates and times that are mutually convenient for all parties and counsel, but, unless the parties agree otherwise, all three depositions shall be taken within twenty-one (21) calendar days following the Expedited Discovery Start Date, subject to Section 4 below.

4. Unavailability of Mohan: Due to a previously scheduled trip outside of the country, Mohan will not be available for deposition from December 20, 2018 through and including January 12, 2019. In the event that the Expedited Discovery is initiated pursuant to Section 1 prior to January 13, 2019, the parties agree that none of the depositions contemplated by this stipulation shall take place prior to January 13, 2019, and that the twenty-one (21) day period set forth in Section 3 above shall begin to run on January 13, 2019.

5. Withdrawal of Motion for Expedited Discovery: The parties agree that this Stipulation renders moot Carbonite's Motion for Expedited Discovery (Dkt. No. 7), and that no hearing on that motion is necessary. Carbonite hereby withdraws its Motion for Expedited Discovery.

Respectfully submitted this 6th day of December, 2018.

/s/ Stephen D. Riden

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